

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1970

IN THE MATTER OF:

Served March 14, 1979

Application of EXECUTIVE )  
LIMOUSINE SERVICE, INC., for a )  
Certificate to Perform Charter )  
Operations Pursuant to Contract- )  
Pan Am Crews )

Case No. AP-79-1

By application filed January 2, 1979, Executive Limousine Service, Inc. (Executive), seeks a certificate of public convenience and necessity to perform charter operations pursuant to contract with Pan American World Airways, Inc. (Pan Am), transporting aircraft crews, together with their baggage, over irregular routes, between points in the Metropolitan District. Pursuant to Order No. 1953, served January 9, 1979, and incorporated by reference herein, a public hearing was scheduled for February 21, 1979. No protest to the application was filed, and, by petition filed February 16, 1979, pursuant to our Rule 22-01, Executive requested the Commission to waive the public hearing and proceed on the evidence of record. Along with its petition applicant submitted evidence of the necessary public posting and newspaper publication of its application.<sup>1/</sup>

Executive has been performing operations as temporarily authorized in Order No. 1928, served November 29, 1978, and incorporated by reference herein. Service is being provided in various types of equipment including limousines, vans, busettes, and a motor coach, depending upon the number of passengers involved on a particular trip. The existing one-year contract (renewable annually) calls for Executive to transport crew personnel between the airports, hotels, and other points generally within

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<sup>1/</sup> The Commission cancelled the public hearing by Order No. 1964, served February 23, 1979, and incorporated by reference herein.

the Washington, D. C. metropolitan area. The schedule of charges includes service between Baltimore-Washington International Airport (BWI) and Washington, D. C., as well as between BWI and Washington National and Dulles International Airports. Service between Dulles and Leesburg, Va., is also listed in the schedule of charges. Inasmuch as the Commission's territorial jurisdiction does not extend to either Leesburg or BWI, contractual provisions and rates with respect to those points will not be discussed, and to the extent that the application may be construed as seeking authority to serve those points, the application is hereby dismissed for lack of jurisdiction.

The rates to be charged for service within the Commission's jurisdiction are those now in effect in the temporary authority operations:

FARES FOR CHARTER SERVICE IN VEHICLES ACCOMMODATING UP  
TO 14 PASSENGERS IN ONE-WAY SERVICE:

Between National Airport and Dulles International Airport <sup>2/</sup>	\$ 40
Between National Airport and Washington, D. C. <sup>3/</sup>	15
Between Andrews AFB and Washington, D. C. <sup>3/</sup>	40
Between Dulles International Airport and Washington, D. C. <sup>3/</sup>	40

FARES FOR CHARTER SERVICE IN VEHICLES ACCOMMODATING UP  
TO 49 PASSENGERS IN ONE-WAY SERVICE:

Between National Airport and Dulles International Airport <sup>2/</sup>	\$ 80
Between National Airport and Washington, D. C. <sup>3/</sup>	45
Between Andrews AFB and Washington, D. C. <sup>3/</sup>	80
Between Dulles International Airport and Washington, D. C. <sup>3/</sup>	80

The above charges include up to 1/2 hour's delay. If vehicle is delayed more than 1/2 hour, a charge of \$5 per 1/2 hour will apply to vehicles

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- <sup>2/</sup> Although both Washington National Airport and Dulles International Airport are located in the Commonwealth of Virginia, the natural route between the airports traverses Columbia Island, a point in the District of Columbia. However, to ensure that no service is authorized solely within the Commonwealth of Virginia, and thus beyond our jurisdiction by virtue of Title II, Article XII, Section 1(b) of the Compact, an appropriate restriction will be imposed on the grant of authority made below.
- <sup>3/</sup> Counsel for applicant has advised the staff of the Commission that the description Washington, D. C., as used in the rate schedule, supra, is intended to mean the Washington, D. C. metropolitan area.

accommodating up to 14 passengers, or \$10 per 1/2 hour will apply to vehicles accommodating up to 49 passengers.

In support of the (temporary authority) application Pan Am expresses a need for a motor carrier service capable of providing transportation on short notice for airline crews of non-scheduled flights. At least three or four flights a week are involved, with crew size varying from 8 to 20 persons a flight. Service is required between and among the local airports, including Andrews Air Force Base, and from and to area hotels and motels. Because of the difficulty in arranging accommodations on short notice, and the frequent room shortages, Pan Am seeks a carrier capable of providing service to and from all hotels and motels in the Metropolitan District.

Pan Am formerly utilized the services of Central Delivery Limo Service<sup>4/</sup> but states that this company recently "went out of business". Greyhound Airport Service, Inc., holds appropriate authority but has consistently declined to commit vehicles for airline crew transportation. Atwood's Transport Lines, Inc., also holds appropriate authority, but does not operate vehicles other than motor coaches, thereby limiting its utility to Pan Am. Atwood's did not protest either this application or Executive's corresponding temporary authority application.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied."

The Commission finds that applicant has sustained its burden of proof regarding the matter of need for service. Operations under temporary authority demonstrate that Executive's service has been beneficial to Pan Am, and there is no evidence to suggest that such utility may diminish in the foreseeable future. The evidence of record also establishes that Executive has entered into a contract with Pan Am, that it has suitable equipment available, and that it is financially and otherwise fit to conduct the service authorized herein. The authority granted will be limited to service to airports, hotels and motels as warranted by the evidence. Service solely within the Commonwealth of Virginia will be proscribed as will service between Dulles and National unless performed via a route traversing the District of Columbia.

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<sup>4/</sup> Presumably, this reference is to Central Delivery Service of Washington, Inc., which holds no authority to serve Pan Am.

THEREFORE, IT IS ORDERED:

1. That the application of Executive Limousine Service, Inc., in Case No. AP-79-1, to the extent it seeks authority to serve Leesburg, Va., and Baltimore-Washington International Airport, is hereby dismissed.

2. That the above-referenced petition of applicant to waive the public hearing on this application is hereby granted.

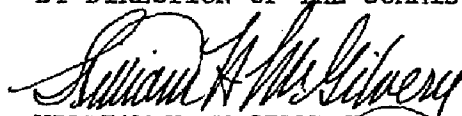
3. That Executive Limousine Service, Inc., is hereby granted authority to perform charter operations pursuant to contract with Pan American World Airways, Inc., transporting Pan American aircraft crews, together with their baggage in the same vehicle with passengers, between Andrews Air Force Base, Md., Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, Andrews Air Force Base, Md., Dulles International Airport, Herndon, Va., Washington National Airport, Gravelly Point, Va., and hotels and motels located in the Metropolitan District, (1) restricted against transportation between points solely within the Commonwealth of Virginia, and (2) restricted to transportation between Dulles International Airport and Washington National Airport via a route traversing the District of Columbia.

4. That Executive Limousine Service, Inc., is hereby directed to file two copies of an appropriate WMATC tariff in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

5. That the temporary authority granted in Order No. 1928, served November 29, 1978, to Executive Limousine Service, Inc., shall be cancelled upon acceptance of the tariff in (3) above and issuance of an appropriately revised Certificate of Public Convenience and Necessity No. 18.

6. That in the event Executive Limousine Service, Inc., fails to comply with the directive set forth in paragraph (3) within 30 days from the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered null and void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director